



General Assembly

Substitute Bill No. 5215

January Session, 2009

* HB05215FIN__042709__ *

AN ACT PROMOTING REUSABLE SHOPPING BAGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) For purposes of this
2 section:

3 (1) "Retailer" has the same meaning as in subdivision (12) of
4 subsection (a) of section 12-407 of the general statutes, but does not
5 include a restaurant;

6 (2) "Customer" means an individual who purchases goods from a
7 retailer;

8 (3) "Restaurant" means a business that has the sole purpose of
9 preparing and selling food and beverages intended for individual
10 portion service and includes the site at which individual portions are
11 sold, regardless of whether the consumption of food or beverage
12 occurs on or off of such site; and

13 (4) "Disposable bag" means a paper or plastic sack provided at the
14 point of sale for the storage of purchased goods, but excludes (A)
15 reusable bags made of cloth or durable plastic that is at least 2.25 mils
16 thick, (B) bags used to store produce, flowers, baked goods or meat
17 which are provided by a retailer at a location other than the point of
18 sale, (C) bags used to cover dry cleaned items, (D) paper bags

19 provided by a pharmacy for the storage of purchased pharmaceuticals,
20 or (E) plastic bags used to envelop newspapers intended for delivery at
21 a residence.

22 (b) On and after January 1, 2010, any retailer who provides a
23 disposable bag at the point of sale to a customer shall charge such
24 customer a fee of five cents for each such bag. The retailer shall transfer
25 the proceeds of such fee to the Commissioner of Revenue Services in
26 accordance with the provisions of subsection (c) of this section.

27 (c) On or before April 30, 2010, each retailer collecting the fee as
28 provided in this section shall submit a return to the Commissioner of
29 Revenue Services that is applicable to the quarter commencing January
30 1, 2010, on a form prescribed by the commissioner, together with
31 payment of the quarterly proceeds of the fee collected in accordance
32 with the provisions of subsection (b) of this section. Each retailer shall
33 submit such return and payment to the commissioner each calendar
34 quarter thereafter, on or before the last day of the month immediately
35 following the end of each such calendar quarter. The Commissioner of
36 Revenue Services shall deposit any such payment in the recycling
37 initiatives account established in subsection (e) of this section.

38 (d) Whenever the proceeds of such fee are not paid when due, a
39 penalty of ten per cent of the amount due or fifty dollars, whichever is
40 greater, shall be added to the amount due and such penalty shall
41 immediately accrue, and thereafter such proceeds shall bear interest at
42 the rate of one and one-half per cent per month until the same are
43 paid. The Commissioner of Revenue Services shall cause copies of a
44 form prescribed for submitting returns as required under this section
45 to be distributed throughout the state. Failure to receive such form
46 shall not be construed to relieve anyone subject to the provisions of
47 this section from the obligations of submitting a return, together with
48 payment of such proceeds within the time required.

49 (e) There is established an account to be known as the "recycling
50 initiatives account" which shall be a separate, nonlapsing account

51 within the General Fund. The account shall contain any moneys
52 required by law to be deposited in the account. Moneys in the account
53 shall be expended by the Department of Environmental Protection for
54 the purposes of the grant programs created pursuant to sections 3 and
55 4 of this act and of fulfilling the Commissioner of Environmental
56 Protection's duties under titles 7, 22a and 23 of the general statutes.

57 (f) On and after October 1, 2009, no municipality shall adopt an
58 ordinance restricting the retail use of plastic or paper bags. The
59 provisions of this section shall not be construed to affect any such
60 ordinance adopted prior to said date.

61 (g) Nothing in this section shall be construed to affect the amount of
62 sales tax charged to the customer under chapter 219 of the general
63 statutes.

64 (h) The provisions of sections 12-548 to 12-554, inclusive, of the
65 general statutes and section 12-555a of the general statutes shall apply
66 to the provisions of this section in the same manner and with the same
67 force and effect as if the language of sections 12-548 to 12-554,
68 inclusive, of the general statutes and section 12-555a of the general
69 statutes had been incorporated in full into this section and had
70 expressly referred to the fee imposed under this section, except to the
71 extent that any provision is inconsistent with a provision in this section
72 and except that the term "tax" shall be read as "fee".

73 Sec. 2. Subsection (h) of section 22a-220 of the general statutes is
74 repealed and the following is substituted in lieu thereof (*Effective*
75 *October 1, 2009*):

76 (h) On or before August 31, 1991, and annually thereafter, each
77 municipality, or its designated regional agent, shall provide a report to
78 the Commissioner of Environmental Protection describing the
79 measures taken during the preceding year to meet its obligations
80 under this section. The commissioner shall provide each municipality
81 with a form for such report by June 1, 1991. Such form may be
82 amended from time to time. Such report shall include, but not be

83 limited to, (1) a description of the efforts made by the municipality to
84 promote recycling, (2) a description of its efforts to ensure compliance
85 with separation requirements, [(3) the amount of each recyclable item
86 contained in its solid waste stream which has been delivered to a
87 recycling facility as reported to the municipality or its designated
88 regional agent by the owner or operator of a recycling facility pursuant
89 to section 22a-208e or by a scrap metal processor pursuant to section
90 22a-208f, and (4)] and (3) the amount of solid waste generated within
91 its boundaries which has been delivered to a resources recovery
92 facility or solid waste facility for disposal as reported to the
93 municipality or its designated regional agent by the owner or operator
94 of the resources recovery facility or solid waste facility pursuant to
95 section 22a-208e.

96 Sec. 3. (NEW) (*Effective July 1, 2009*) (a) Not later than January 1,
97 2011, the Department of Environmental Protection shall establish a
98 municipal recycling matching grant program for the purpose of
99 awarding grants to municipalities to implement recycling programs or
100 improve existing recycling programs. Such grants shall be used by the
101 municipalities for the following purposes, which shall include, but not
102 be limited to, establishing: (1) A system for residents within a
103 municipality to pay for trash removal based upon the volume or
104 weight of solid waste that such residents generate, with no fee for
105 recyclables, (2) other incentives for recycling, such as retail coupons
106 given as awards for meeting volume benchmarks of recycling quantity
107 per household, or (3) single-stream recycling. Each such grant shall not
108 exceed two hundred thousand dollars, and each such grant shall not be
109 for more than fifty per cent of the estimated costs for the
110 implementation or improvement of the municipal recycling program.
111 A municipality shall be eligible for only one such grant. The total
112 amount of grants awarded annually pursuant to this section shall not
113 exceed four million six hundred thousand dollars.

114 (b) A municipality may apply for a grant for such program by
115 submitting an application to the Department of Environmental
116 Protection on forms prescribed by the commissioner. The

117 commissioner may reject any grant application that the commissioner
118 determines to be incomplete. If the commissioner rejects an
119 application, the commissioner shall promptly notify the applicant of
120 the reasons for the rejection and, not later than fifteen days after the
121 receipt of such notice, such applicant may resubmit the application in
122 the same manner as the original application.

123 (c) Each municipality selected by the commissioner to receive a
124 grant for such program shall submit a recycling plan for the
125 commissioner's approval. Such plan shall include: (1) An estimate of
126 the operational and capital expenses and income required to
127 implement the plan, (2) goals for recycling, (3) an estimate of savings
128 in tipping fees, if applicable, (4) a method for tracking the actual cost of
129 the program, and (5) any other information required by the
130 commissioner.

131 (d) Not later than January 1, 2012, and annually thereafter, the
132 Department of Environmental Protection shall submit a report, in
133 accordance with the provisions of section 11-4a of the general statutes,
134 to the joint standing committees of the General Assembly having
135 cognizance of matters relating to the environment and finance,
136 revenue and bonding. Such report shall include, but not be limited to,
137 the amount of revenue received annually from the fee imposed
138 pursuant to section 1 of this act, the number of grants issued pursuant
139 to this section and section 4 of this act, the number of municipalities to
140 receive such grants and the amount of solid waste generated by any
141 municipality to receive such a grant the year following the receipt of
142 such grant.

143 (e) The commissioner may retain not more than two hundred
144 thousand dollars annually for administrative expenses associated with
145 the grant programs established under this section and section 4 of this
146 act.

147 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) Not later than January 1,
148 2011, the Department of Environmental Protection shall establish a

149 municipal recycling receptacle grant program for the purpose of
 150 awarding grants to municipalities to purchase recycling receptacles for
 151 public spaces, including, but not limited to, parks, schools and
 152 municipal buildings where trash receptacles are located. Each such
 153 grant shall not exceed five thousand dollars and a municipality shall
 154 be eligible for only one such grant. The total amount of grants awarded
 155 annually pursuant to this section shall not exceed two hundred fifty
 156 thousand dollars.

157 (b) A municipality may apply for a grant for such program by
 158 submitting an application to the Department of Environmental
 159 Protection on forms prescribed by the commissioner. The
 160 commissioner may reject any grant application that the commissioner
 161 determines to be incomplete. If the commissioner rejects an
 162 application, the commissioner shall promptly notify the applicant of
 163 the reasons for the rejection and, not later than fifteen days after the
 164 receipt of such notice, such applicant may resubmit the application in
 165 the same manner as the original application.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2009</i> | New section |
| Sec. 2 | <i>October 1, 2009</i> | 22a-220(h) |
| Sec. 3 | <i>July 1, 2009</i> | New section |
| Sec. 4 | <i>October 1, 2009</i> | New section |

FIN *Joint Favorable Subst.*